

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



September 20, 1988

ALL COUNTY INFORMATION NOTICE NO. I-91-88

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: PROTECTING CLIENT PRIVACY WHEN MAKING COLLATERAL
CONTACTS IN AFDC, RCA AND RDP

REFERENCE: MPP 19-007.1 - Collateral Contacts in AFDC
MPP 40.157.2 - Methods of Gathering Evidence

The purpose of this letter is to clarify the application of Aid to Families with Dependent Children regulations with regard to protecting client privacy when making collateral contacts during the evidence gathering process in determining eligibility for aid. Through the legislative process, it has been brought to the attention of the Department that there is a potential problem in this area.

Information has been received which indicates that some County Welfare Departments may not have been consistently following the regulations referenced above in verifying AFDC eligibility. It has been stated that form letters are routinely sent to schools, employers, and landlords by some counties without prior authorization by the applicant or recipient. In some cases these contacts have had adverse effects on recipients, ranging from embarrassment to loss of a job.

In response to these problems, SB 2112 was introduced. The bill was intended to codify and reaffirm the AFDC privacy and confidentiality protections currently contained in DSS regulations. The bill was withdrawn on assurance that the Department would write to all counties reminding them of these protections and emphasizing the need to comply with them.

The authority on this subject is found in MPP 19-007.1 and 40-157.22. These regulations provide that when collateral contacts are needed in the evidence gathering process, individual consent forms, signed by the applicant or recipient are required for each contact made by the county. This does not mean that collateral contacts should be the first option.

An applicant or recipient must first have the option of obtaining the desired information or verification himself or herself without any requirement to use county forms or form letters. If the person does not want to obtain the information, then he or she can request assistance from the county in obtaining the information by signing the county consent form.

The intent of these requirements is to protect clients from being identified, exploited or embarrassed as a result of having applied for or received aid.

Regulations provide certain specific and limited exceptions to these requirements. The exceptions apply to Special Investigative Units, obtaining information from public records and verifying information obtained through IEVS in accordance with MPP 20-006.5. Additionally, for RDP and RCA clients, it is appropriate and mandatory that the CWD contact the voluntary agency (VOLAG) or sponsor as part of determining a refugee's eligibility for cash assistance. The CWD must inquire what assistance, if any, the VOLAG or sponsor has provided to the refugee, and whether the refugee has refused an offer of employment or has voluntarily quit a job. This collateral contact must be made without regard to whether the refugee consents to the contact. (See MPP Section 69-204.2.)

Practices such as those described in the second paragraph are in violation of the regulations referred to in this ACIN. Client privacy and the confidentiality of information about the client must be protected through proper application of the regulations cited above.

If you have any questions concerning this letter, please contact John Honeycutt at (916) 445-1131.



ROBERT A. HOREL
Deputy Director

cc: CWDA